

**MINUTES OF THE  
LAKE COUNTY PLANNING COMMISSION  
December 20, 2005**

The Lake County Planning Commission hereby finds and determines that all formal actions were taken in an open meeting of this Planning Commission and that all the deliberations of the Planning Commission and its committees, if any, which resulted in formal actions, were taken in meetings open to the public in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

Chairman Schaedlich called the meeting to order at 7:00 p.m.

**ROLL CALL**

The following members were present: Messrs. Adams, Aveni (alt. for Aufuldish), Fitzmaurice, Galloway (Alt. for Sines), Klco (Alt. for Troy), Schaedlich, Siegel, Simon, and Mmes. Hausch and Pesec. Staff present: Messrs. Webster, Boyd and Ms. Myers.

**MINUTES**

Mr. Schaedlich corrected the first sentence on page four under Painesville Township. Blasé should not have an accent mark. Ms. Pesec submitted a change for her response in the fourth paragraph on page 10 of the November minutes as follows:

Ms. Pesec questioned the density proposal. It could encourage a developer to mitigate half the wetlands and keep less valuable land as part of the open space. This does not achieve the purpose of conservation development. They need to revise the density bonus overall. She heard that this proposal was based on comments from a developer who said he was doing a conservation development because mitigation of wetlands takes too much time. The intent should not be important. The outcome is what is critical.

Mr. Galloway moved to approve the minutes from the November 29, 2005 meeting with the corrections noted above and Ms. Hausch seconded the motion.

Six voted "Aye".  
Messrs. Aveni, Siegel, Klco and Fitzmaurice  
abstained.

**FINANCIAL**

Mr. Adams moved to approve the finance report for November, 2005 as submitted. Mr. Simon seconded the motion.

All voted "Aye".

Mr. Webster requested a blanket approval for monthly health benefit charges for the Planning Commission staff to avoid this body having to approve them at every meeting for 2006.

Mr. Siegel moved to approve the provision of a blanket approval for monthly health benefit charges for the staff. Mr. Simon seconded the motion.

All voted "Aye".

**PUBLIC COMMENT**

There was no public comment.

**LEGAL REPORT**

Mr. Michael DeLeone, Assistant Prosecutor, stated there was no legal report.

Mr. Troy came in at this time and chose to let his alternate continue on the Board and he sat with the public.

#### DIRECTOR'S REPORT

Mr. Webster stated there was nothing for him to report at this time.

#### ANNOUNCEMENTS

Mr. Webster reported that Mr. Siegel was reappointed this month, Ms. Hausch had been reappointed in November, Commissioner Troy appointed new alternate, Mr. Larry Klco, and Commissioner Sines had appointed Mr. Richard Smith as his new alternate as of January, 2006.

#### SUBDIVISION REVIEW

A representative of Quail Hollow Subdivision, Phase 12 had asked Mr. Radachy to request the Subdivision's review be moved down on the agenda because he had a prior meeting that would make him late to this meeting that he needed to attend.

Chairman Schaedlich directed the Quail Hollow, Phase 12 Subdivision be moved down on the agenda to accommodate the representative's later attendance.

#### Madison Township – Madison Meadows Revised Final Plat and Improvement Plans, 40 Lots

Mr. Radachy addressed the Madison Meadows Subdivision as having a revised Final Plat and Improvement Plans in Madison Township that was tabled in October. The developer is requesting to take this subdivision off the table and consider it at this meeting. Madison Meadows is located east of Haines Road, west of Green Road and south of Chapel Road, is zoned R-1, A-1 and connects to Lake Shore Farms. Sanitary sewer and water are available.

Mr. Simon moved to take the Madison Meadows Subdivision Final Plat and Improvement Plans off the table. Mr. Aveni seconded the motion.

All voted "Aye".

The following are the proposed stipulations and comments for this subdivision:

#### Proposed Improvement Plan Stipulations:

1. A Storm Water Pollution Prevention Plan must be prepared for erosion and sediment control. Effective March 1, 2000, an approved Erosion and Sediment Control (ESC) Plan shall be submitted after the approval of the Preliminary Plans and obtained prior to the approval of the Improvement Drawings by the Lake County Planning Commission (Section 5 of the Lake County Erosion and Sediment Control Rules, adopted 12/21/99). ESC Plan approvals shall be obtained through the Lake County Soil and Water Conservation District.  
*Art. IV, Sec. 3, E - Art. IV, Sec. 3, F - Art. V, Sec. 4, A - Art. V, Sec. 4, B - Art V, Sec. 4, C*
2. Until plans for the subdivision are approved, and properly endorsed, no improvements such as sidewalks, water supply, storm sewers, sanitary sewerage facilities, gas service, electric service or lighting, grading, paving or surfacing of streets shall hereafter be made by the owner or owners or his or their agent, or by any public service corporation at the request of such owner or owners or his or their agent. *Art. I, Sec 4, B*
3. Any subdivision with a preliminary plan filed after 1/27/04 will be required to provide a three year maintenance bond or surety when the subdivision goes into the maintenance phase. *Article V Section 8(D)*
4. The developer will remove the temporary cul-de-sacs and install new improvements in the Lakeshore Farms subdivision. The new improvements for Lakeshore Farms Subdivision

shall be on the improvement plans and they shall be approved and inspected by the Lake County Engineer. The removal of the temporary cul-de-sac shall not have any detrimental effect on the subplot owners along the temporary cul-de-sac. *LCPC*

5. The final plans remain compliant to the conditions, stipulations, and technical comments previously set forth and addressed in the September 6, 2005 Neff & Associates letter to the LCPC. *Madison Township*
6. 40-foot proprietary sanitary sewer easement required between Sandridge Drive and Old Mill Road. *L.C. Utilities*
7. Submit Stormwater Management report and plan for approval. *L. C. Engineer*
8. Detention pond on subplot 25 and 29 may need to be relocated for better access. *L. C. Engineer*
9. Typical roadway section shall be designed in accordance with ODOT standards. *L. C. Engineer*
10. Grading plan is incomplete. Proposed grading of future structures on sublots is not shown. Information must be provided. *L. C. Engineer*
11. Plans do not indicate how existing ponds will be retrofitted. These plans must be provide to the Lake County Engineer for his approval. *L. C. Engineer*
12. If removal and/ or installation of the new sanitary sewer is in the roadway or in zone of influence of road, repairs and replacement of the road and structures will need to be made. *L.C. Engineer*

Improvement Plans Comments:

1. There will be no sidewalks installed in this subdivision in the road right-of-way area. *Madison Township*
2. Underground wiring will be installed for future street lighting fixtures if petitioned by the developer or future residents. *Madison Township*
3. The subdivision roadways use the curb and gutter system required for new subdivisions. *Madison Township*
4. There is a discrepancy between the plan and profile views and with the storm profile 'C' view regarding the size of the storm sewer to the west of storm manhole B 2.0. *The Illuminating Co*
5. The "Comments" the Township made and were recorded in the LCPC correspondence dated September 28<sup>th</sup>, 2005 remain intact and effective. The Township strongly urges these comments to be considered as "Stipulations of approval". *Madison Twp.*
6. Final approval could be forthcoming when detailed construction drawings are submitted to the Lake County Department of Utilities for review. *L.C. Utilities*

Final Plat Stipulations:

1. The stream shall be placed into a riparian easement to the Lake County Commissioners. Proper language shall be on the cover sheet. *Article IV Section 3(C)*
2. Accurate outlines of any areas to be dedicated or temporarily reserved for public use with the purpose indicated. On page two of the plat, the overall drawing does not show the temporary cul-de-sac on Sandridge Drive. It must be shown. *Article III Section 6(D)(1)(i)*

- a. The Plat drawings number 1 of 4 and 2 of 4 do not show the required Sandridge Drive temporary cul-de-sac. Plans must be redrawn to include the cul-de-sac. *Madison Twp.*
3. The pond shall be in a stormwater easement to the Board of Lake County Commissioners if this is a regional facility or the pond shall be placed into a riparian easement. Proper language shall be on the cover sheet. *LCPC*
4. All signatures shall be printed legibly below the signatures. The plat shall have the names under the signature lines or a line shall be provided for the signer to print their name on the cover sheet. *Article III Section 6(D)(1)(l)*
5. Names of new streets shall not duplicate the names of existing streets of record in Lake County. All names shall meet with the approval of the Board of Township Trustees concerned and the County Planning Commission. There is a Sand Ridge in Willoughby and there is a Sandbridge in Mentor. The road name must be change. *Article IV Section 2(H)*
6. Any storm easement used to drain the road shall be placed into a drainage easement to Madison Township with the proper language on the cover sheet. The easements on sublots 5 and 6, 11 and 12, 25 and 26, and the rear easements along 27, 28 and 29 shall be drainage easements. *Article III Section 6(D)(1)(j)*
  - a. The Township would like the proper terminology for acceptance and dedication of easements used on the cover pages. The Township does not wish to accept any drainage easement normally defined as a regional system. *Madison Twp.*
7. Any storm easement used to drain the sublots shall be placed into a local service drainage easement to homeowners association or homeowners with the proper language on the cover sheet. The easements on sublots 31 to 35 and 37 to 40 shall be local service drainage easements. *Article III Section 6(D)(1)(o)*
  - a. The Township would like the proper terminology for acceptance and dedication of easements used on the cover pages. The Township does not wish to accept any drainage easement normally defined as a regional system. *Madison Twp.*
8. Any engineered detention pond shall be placed into a local service drainage easement to the homeowners or homeowners' association. *Article III Section 6(D)(1)(o)*
  - a. The Township would like the proper terminology for acceptance and dedication of easements used on the cover pages. The Township does not wish to accept any drainage easement normally defined as a regional system. *Madison Twp.*
9. The Utility Easement Language is inappropriate. The Illuminating Company will contact Dan Neff with the appropriate text. *The Illuminating Co.*
10. A 40-foot proprietary sanitary sewer easement is required between Sandridge Drive and Old Mill Road. *L.C. Utilities*
11. Show connection to Lake County Monument. *L. C. Engineer*
12. A minimum of two State Plane coordinates are required. *L. C. Engineer*

Final Plat Comments:

1. The Lake County Planning Commission is able to provide names of the current office holders listed on the cover sheet. *LCPC*
2. It is recommended that the area of the sublots from the top of the ravine to the rear property line be placed into a conservation easement or a preservation easement. This is in addition

to the riparian easement that is required to be granted to the Board of Lake County Commissioners. *LCPC*

Mr. Radachy continued stating there were two issues concerning sanitary sewers. The first issue concerned placing the proposed sanitary sewer in an easement. The original preliminary stipulations from the Sanitary Engineer stated he wanted the sewer line placed straight down Bay Meadow Street. The developer proposed to place the sanitary sewer into an easement between Bay Meadow Street and Haines Road. The developer complied by planning to install a new sewer line from Abiding Way through to Old Mill Road to the end of the cul-de-sac. This new sewer line will give them the necessary clearance on the high pressure gas main. The easement is no longer needed. The second issue concerned the Sanitary Engineer originally wanting the sewer line to go through the unsubdivided property and to Old Mill Rd. The Sanitary Engineer will allow this sanitary sewer to be placed into an easement.

In addition, there were other issues that needed to be addressed concerning the negative effect removal of the current temporary cul-de-sac would have on the driveways of those homes, access to the detention pond and the maintenance responsibility of the detention pond. A conservation easement for the protection of the woods is being requested, along with the riparian easement to protect the stream. The woods are a fairly mature stand of trees and this easement would also protect the homeowners on Haines Road. Mr. Radachy stated the staff wanted to see the woods protected from encroachment through the homeowner’s association or deed restrictions.

The Chair opened the discussion to the public.

Mr. Daniel Neff of Neff & Associates in Parma Heights stated they had worked out an agreement with Mr. Saari regarding the sanitary sewer stipulations. He spoke of stipulation #6 stating a 40-foot proprietary sanitary sewer easement was required between Sandridge Drive and Old Mill Road. They agreed to a 40-foot sanitary easement inside the Subdivision and 20 feet inside an existing subplot. There is an agreement between the builder and the homeowner for a 20-foot easement on Sublot 5. They cannot get 40 feet because there is a house on the lot.

Mr. Radachy believes the Planning Commission only has jurisdiction in a subdivision. It may not have the power to require a 40-foot easement outside of a subdivision. This would be the Utilities Department’s jurisdiction.

Mr. Neff also mentioned there will not be a homeowner’s association and the developer committed to deed restricting the lots for protection.

Mr. Galloway moved to approve the Final Plat and Improvement Plans for Madison Meadows to include a change under Improvement Plan stipulation #6 and Final Plat stipulation #10 to include a 40-foot easement to the Subdivision border. Mr. Siegel seconded the motion.

All voted “Aye”.

Chairman Schaedlich instructed the Commission to move ahead to Land Use and Zoning because the people for Quail Hollow, Phase 12 were not present yet.

LAND USE AND ZONING  
Leroy Township - Proposed Text Changes to Sections 13.5, 14.4(1), 14.5, 17.05, 18.06, 29.02 and 29.06

Mr. Radachy referred the members to page L-27, the Land Use and Zoning Committee Minutes from December 15, 2005 as follows:

Section	Change	Staff Recommendations
13.5	Adding that the zoning certificate shall be issued after site has been approved by zoning inspector as per section 30. Old language has been rewritten and kept.	Instead of saying "after site plan approval" say "after site development plan review" as that is the name of Section 30. Instead of saying "who", state the Zoning Inspector shall

		approve...
14.4 (1)	Adding that a fee must be submitted in order for the application to be considered. States who sends the notices.	Approve.
14.5	Removing that a copy of the permit shall be signed by applicant.	Have the original permit signed by the secretary of the BZA, not a copy.
17.05 18.06	Add Site Plan approval per section 30. Add Site Plan approval per section 30.	Instead of saying "Site Plan Approval per Section 30 Required." State "Site Development Plan Review and Approval per Section 30 is required."
29.02	Increasing the front setback from 50 ft. from ROW to 60 ft. from ROW.	Approve. This district is located by I-90 and these roads would have the best chance of being widened in the future.
29.06	Add Site Plan approval per section 30.	Instead of saying "Site Plan Approval per Section 30 Required." State "Site Development Plan Review and Approval per Section 30 is required."

The Land Use and Zoning Committee recommended the proposed text changes be made with staff’s suggestions.

Ms. Pesec moved to recommend that Leroy Township approve the proposed text changes per the recommendations of the Land Use and Zoning Committee and staff. Ms. Hausch seconded the motion.

All voted “Aye”.

Painesville Township – Proposed Text Amendment to Section XXXII, FPUD

Mr. Radachy stated the following proposed changes to Section XXXII, FPUD:

32.02	Adding zoning commission to the text.	This would require the zoning commission and the trustees to both agree to add a use.
-------	---------------------------------------	---

The Land Use and Zoning Committee recommended making this change because they thought it was a good idea to have additional uses.

32.03 A	Removing "not exceeding" and "heating and electrical".	The definition does not make sense without “not exceeding” and removing “heating and electrical” systems would allow for common systems. This could cause conflicts later.
32.03 B	Changing “regarding” to “re-grading”.	Use the term grading. Re-grading makes it sound like grading has already been performed.
32.03 J	Delete Developable Land.	Make the Change. Net acreage covers this.
32.03 L	Changing “containing” to “that contain”.	Make the Change.
32.03 N	Delete Homeowners Association.	Do not make the change. The definition needs a title.
32.03 P	Removing commercial from net acreage.	Keep commercial in the definition and add "if permitted". Commercial uses can be added by Trustees.
32.04 A	Adding "improved road" to the requirements.	Make the Change. Adding “improved roads” keeps developers from asking for a district on a paper street.
32.04 B	Increasing open space to 20%.	Make the Change.
32.04 H	Setting lot widths to 60 and 75 feet on the right of way.	Make the change with provisions for smaller cul-de-sac widths on ROW.
32.04 J	Increases the setback from 30 feet to 50 feet.	Do not make the change. With smaller lots, this could make for smaller backyards.

Mr. Radachy stated that with the smaller lot sizes in PUD’s, the houses would be pushed closer together in the rear. You could have 50 feet from the right-of-way and end up with houses with back doors only 40 feet apart. Staff stated that a 30-foot setback is okay for PUD subdivisions. These would be local roads and not main roads like Ravenna Road, where a 50-foot setback is proper.

32.05 A	Reducing the density from 6 units per acre to 4 units per acre.	Make the Change.
32.06 A	Adding riparian corridors and public utility easements to the exclusions and increasing the minimum amount of open space to 20% of the site.	Make the Change. There is protection for wetlands and riparian areas in subdivision regulations.
32.08 D	Adding a 10-foot setback off buffer area.	Make the Change.
32.09 A	This will no longer allow the 35-foot buffer to be considered part of the open space.	Make the Change. Call it a perimeter buffer.

Staff explained that FPUD requires a buffer around the site and this was considered open space even if the buffer was just an easement on someone’s property. On the larger developments, this buffer was fulfilling the open space requirement and the amount of useable open space was limited. This text change would eliminate that problem. The 10-foot setback off the buffer would allow for home construction without entering the buffer. There have been issues with allowing homes right to the buffer line. You would need to clear at least 10 feet away from the house in order to build it. This has created encroachments into the buffer areas.

32.10 A	Adding the requirement of two-car attached garages that are 22’ x 22’.	Recommend requiring two-car attached garages be placed into the parking section.
32.11 A	Changing the definition of building height.	Make the change. Add a definition of final grade.
32.12	Setting a minimum dwelling unit size of 1400 square feet.	Make the Change.

32.17	Adding a catchall statement	Make the Change
32.17 A	Changing the name of the preliminary plan to preliminary development plan (PDP), adding Lake County to Subdivision Regulations, adding one or more trustees, adding applicant and present the concept and initial design strategies.	Make the Change.
32.17 B	Changing clerk to zoning commission secretary.	Make the Change.
32.17 B	Removing 48 hours.	Okay as long as you follow ORC.
32.17 B 1	Adding the terms rezoned to describe the land, requiring executed purchase agreement if the applicant does not own the land.	Make the Change.
32.17 B 2	Allows an architect to design the concept plan and allowing for just a concept plan.	Make the Change. Change “concept” plan to “design”.
32.17 B 3	Requires topography of the site and up to 100 feet outside the site to be provided.	Similar to the Lake County Subdivision regulations. Make the Change.
32.17 B 4	Adding complete to the term traffic study.	Makes the language stronger.
32.17 B 8	Changing statements to measures.	No recommendation.
32.17 B 9	Changing PUD to FPUD and adding showing.	Make the Change.
32.17 C	Adding process for zoning commission recommendations.	This process is the Land Use and Zoning recommendation procedures that are followed by the Lake County Planning Commission. Recommend approval.
32.17 D	Making changes to parts of this section to reflect other changes in the FPUD section. Changing the submission of the FDP to the trustees instead of the zoning inspector. Changing the person who notifies the developer that a hearing has been scheduled	Make the Change.

	from the zoning inspector to the trustees.	
32.17 D	States that the public, the owner and the trustees can talk about if a plan approval should be removed if the time limit has been exceeded. It also sets a time limit for the trustees to decide to remove the approval.	Make sure you do not conflict with the PC Preliminary time lines.
32.17 D A	Making changes that have been made in other sections, adding cable company to the list of utilities, and adding that deed restrictions for areas that are not residential must also be filed.	Make the Change.
32.17 D A 7	Changing “facility” to “improvements”.	The Lake County Subdivision Regulations cover fee simple lots and roads. It allows for developers to build in lieu of a bond. You cannot force the developer to post a bond or surety. In the case of condominiums and multi-family, the Commissioners would not collect a bond or surety for construction. This needs to be changed to trustees if you wish to collect a bond.
32.17 D A 9	Requiring a bond to insure a project is completed.	Do not make the change. Recordation is not a word. Please use recording of the plat.
32.17 D A 9	Requiring a bond to insure a project is completed.	Do not make the change. Check with your legal advisor. You may not have the power to do this. It also may be difficult to enforce.
32.17 D A 10	To whom the information is to be submitted to.	Make the Change
32.17 D B	Requiring the developer to submit a final version of the plan after approval by other government agencies.	The plats for subdivisions are signed by the Commissioners last. Any plat for a subdivision will have the Trustees signature on it prior to going to the Commissioners. If this is to have a copy of the recorded plat for your records, make the change.
32.18	Making changes that are consistent with other changes in the regulations. Adding increased traffic circulation and utility usage.	Make the change. At the end of the first paragraph it states procedures in 32.18 A. The reference to this section does not make any sense.
32.19	Making changes that are consistent with other changes in the regulations.	Make the changes.
32.2	Making changes that are consistent with other changes in the regulations.	Make the changes.

**Suggestions to make the PUD text better:**

Definitions	Add Riparian Setback and Recreation (active and Passive).	
32.04 A	Increase minimum area for rezoning for PUD to 20 acres.	
32.04 A	Lower frontage to a 60-foot (R-2 Minimum & ROW width) or 75-foot minimum for R-1 and have the site open up to 250 feet at a building setback line.	

The Land Use and Zoning Committee recommended the text changes be made with the staff’s and Committee’s suggestions.

Ms. Pesec referred to 32.05 on density and area computations and asked to what zoning the four (4) dwelling units per net acre was applied? Mr. Radachy stated to any piece of property in residential R1 and R2 and Mr. Schaedlich stated this also applied to multi-family.



She then questioned the validity of the statement in 32.06D regarding open space as it states “Said entry and maintenance shall not vest in the public any rights to use the Common Open Space.” Mr. Radachy stated the Township was trying to avoid taking any land at all. If taken, maintenance would be assessed against all homeowners because public dollars are involved.

She also referred to page L-18, Pre-Application Conference and questioned if meeting with one or more Township Trustees automatically would trigger an open meeting? Mr. Radachy said a pre-application conference would need to be advertised by the Township as a public meeting and would become an open meeting.

It was the consensus on 32.17C to add “has closed” after “...within twenty (20) days after such public hearing”.

Mr. Simon moved to recommend to Painesville Township to include the recommendations of the Land Use and Zoning Committee along with the suggestions raised by this Commission. Ms. Hausch seconded the motion.

All voted “Aye”.

Chairman Schaedlich instructed the Commission and staff to continue with the subdivision review of Quail Hollow, Phase 12 at this time because the parties involved were now present.

SUBDIVISION REVIEW CONTINUED

Concord Township – Quail Hollow Subdivision #12, Preliminary Plan, 18 Lots and Three Variances to Article IV, Section 2, 2.A.9, and 2.C.1

Mr. Radachy explained the Quail Hollow, Phase 12 Subdivision as being in Concord Township and developed by W. R. Martin, Inc. with the surveyor/engineer being Land Design Consultants, Inc. This is the 12<sup>th</sup> phase of the Quail Hollow Subdivision and consists of 10.7 acres divided into 18 lots. The following are the proposed stipulations and comments:

Proposed Plan Stipulations:

1. If Block “A” is to be part of the subdivision, it must be shown in its entirety on the final plat.
2. The sanitary sewer easement must be better defined on the final plat. The sanitary sewer easement shall be divided between ownership and maintenance responsibility. *Article III Section 6(D)(1)(f)*
3. The name Quail Point exists in Mentor City. It cannot be used. The street names shall have a proper ending of “Drive” or “Avenue”, etc. *Article IV Section 3(H)*
  - a. Concord Township Fire Department will require a street name change if it is determined one is similar to another already established in Concord Township. *Concord Twp. Fire Dept.*
4. Change the subplot numbers. Sublot numbers 98 through 115 are used in Quail Hollow Phase 1. Either start with 1 or 297, 296 is the last number used in Quail Hollow Phase 9. *Article III Section 6(D)(1)(g)*
5. According to Lake County GIS, there is a stream on this site. This stream shall be shown on the Improvement Plans. *Article III Section 4(D)(1)(p)*

Proposed Design Stipulations:

1. A 60 foot ingress/ egress easement or 60-foot wide block shall be provided for access to the sublots. *Article VIII Section 4(A)(5)(b) Variance requested.*
2. A Cul-de-sac shall be installed at the end of Quail Ridge. *Article VIII Section 4(A)(5)(a) and Article IV Section 2(A)(9) Variance requested.*
3. Minimum block length is 500 feet. The distance between Quail Point and Old Stone is 390 feet. *Article IV Section 3(G)(2) Variance requested.*
4. Sublots with double frontage will be avoided. *Article IV Section 3(A)(2) Double frontage or through lot: A lot other than a corner lot with frontage on more than one street; through lots abutting two streets may be referred to as double-frontage lots. Article II definition Lot Types.*
5. The “T” section of Quail Ridge cuts subplot 112 from its frontage. The “T” would need to be put into an easement or subplot 112 would need to go around the “T”. *Article IV Section 3(A)(1)*
  - a. The lot lines for sublots 98 and 112 should be more clearly defined. Do they include portions of the private drive and is an ingress/egress easement going to be established? *Concord Twp.*
6. All building setbacks shall be no less than 30 feet from the dedicated street right-of-way, as set forth in Section 16.10G of the Concord Township Zoning Resolution. *Concord Twp.*
7. Who will have maintenance responsibility of the center circle? The Township does not want responsibility. *Concord Twp.* Maintenance responsibility for the center circle must be stated. *LCPC*
8. Will building restrictions be established for any area within the Common Area Easement? Since the easement areas are located in the back of lots, such areas will not be included in the minimum common area requirements set forth in Section 16.05 of the Zoning Resolution. *Concord Twp.*
9. All common areas shall be transferred to a homeowner’s association, in accordance with Section 16.03 I of the Zoning Resolution. *Concord Twp.*
10. The proposed intersection with Ravenna Road sight distance shall meet all requirements. *L.C. Engineer*

Proposed Design Comment:

1. The stream that runs through the site shall have a 25-foot riparian setback for the small stream and 40 feet for Jordon Creek. *Article IV Section 3(D)*
2. Sublots 98-115 shall have no access to Ravenna Road. *L.C. Engineer*

Proposed Technical Stipulations:

1. Until plats and plans for the subdivision are approved, properly endorsed and recorded, no improvements such as sidewalks, water supply, storm sewers, sanitary sewerage facilities, gas service, electric service or lighting, grading, paving or surfacing of streets shall hereafter be made by the owner or owners or his or their agent, or by any public service corporation at the request of such owner or owners or his or their agent. *Art. I, Sec 4, B*
2. Any subdivision with a preliminary plan filed after 1/27/04 will be required to provide a three year maintenance bond or surety when the subdivision goes into the maintenance phase. *Article V Section 8(D)*

3. The existing water main on Painesville-Ravenna Road must be extended across the frontage of the subdivision on Painesville-Ravenna Road. *Painesville City Water Dept.*
4. All water work must comply with the City of Painesville Water Division specifications. *Painesville City Water Dept.*
5. No work may begin before approval of the subdivision by all concerned parties. *Painesville City Water Dept.*
6. Final approval could be forthcoming when detailed construction drawings are submitted to the Lake County Department of Utilities for review. *L.C. Utilities*
7. Fire flows must meet the ISO minimum requirements for size, type and spacing for structures built. *Concord Twp. Fire Dept.*
8. Spacing of fire hydrants will be determined by Concord Township Fire Department and based on a case-by-case review. *Concord Twp. Fire Dept.*
9. Hydrant flows must be 750 gallons per minute minimum. *Concord Twp. Fire Dept.*
10. Hydrant steamer outlet shall be 5" Stortz fitting on all hydrant installations, and future installations. *Concord Twp. Fire Dept.*
11. An Ohio EPA NPDES permit will be required for this project. Proof of compliance with the OEPA-NPDES program shall be provided to the District. *LCSWCD*
12. All wetland & stream impact permits shall be obtained from the US Army Corps of Engineers and/or Ohio EPA prior to the start of construction. Permit notifications shall be copied to the District. The Improvement Plans shall show all wetland and stream boundaries affirmed by the US Army Corps of Engineers. *LCSWCD*

Technical Comments:

1. A Storm Water Pollution Prevention Plan must be prepared for erosion and sediment control. Effective March 1, 2000, an approved Erosion and Sediment Control (ESC) Plan shall be submitted after the approval of the Preliminary Plans and obtained prior to the approval of the Improvement Drawings by the Lake County Planning Commission (Section 5 of the Lake County Erosion and Sediment Control Rules, adopted 12/21/99). ESC Plan approvals shall be obtained through the Lake County Soil and Water Conservation District.  
*Art. IV, Sec. 3, E - Art. IV, Sec. 3, F - Art. V, Sec. 4, A - Art. V, Sec. 4, B - Art V, Sec. 4, C*
2. A hydrant shall be placed at the entrance of the cul-de-sac (Permanent or Temporary). *Concord Twp. Fire Dept.*
3. An erosion and sediment control (ESC) Plan shall be incorporated into the Improvement Plans for review. Proper application and a review & inspection fee shall be provided to the District. *LCSWCD*
4. Streets and fire hydrants must be installed and operational prior to start of construction of any structures. *Concord Twp. Fire Dept.*
5. Building numbers or identification must be provided and installed during all phases of construction of any structure. *Concord Twp. Fire Dept.*
6. Street name signs and "No Parking on Hydrant Side of Street" signs shall be provided and installed prior to the start of construction of any structure. *Concord Twp. Fire Dept.*

7. Street name signs and mailbox house numbers must be double sided. *Concord Twp. Fire Dept.*
8. Concord Township Fire Department will NOT approve “stub streets” of any length. Temporary or permanent cul-de-sacs must be provided with a minimum pavement diameter of 120 feet. *Concord Twp. Fire Dept.*
9. All contractors are to be instructed NOT to park on the hydrant side of the street during any construction. *Concord Twp. Fire Dept.*
10. Water supply is available for the subdivision. *Painesville City Water Dept.*
11. Potable water to be supplied by Painesville City per their franchise agreement with the Board of Lake County Commissioners. *L.C. Utilities*

Mr. Radachy gave the location of the Quail Hollow Subdivision, Phase 12 as being off the west side of Ravenna Road, north of Girdled Road bordering the golf course, and south of Olde Stone Meadows Subdivision and Concord-Hambden Road.

The major concerns Mr. Radachy mentioned were subplot numbers 98 to 115 were already in Phase 1 and needed to be numbered either 1 to 18 or 297 to 319. The last subplot in Phase 9 was 296. The street named Quail Point already exists in Mentor and must be changed. There are double-frontage lots along Ravenna Road, a publicly dedicated road, and Quail Point, a private street. The sublots facing Ravenna road are the most critical because there is quite a bit of topography there. The sanitary sewer easement must be better defined on the Final Plat.

Mr. Radachy continued stating the common area shown behind sublots 105 through 111 is not for pedestrians; it is for access to the sewer facilities and encroachment could be a problem.

There is a small stream that begins at the wetland marked on the Plat and continues to Jordon Creek. This stream needs to be shown on the Improvement Plans. There is also an unnamed street forming the “T” turnaround off Quail Point that will need to be named and they will need to ensure there is a 40-foot setback on sublots 105 and 106. All issues involving this street must follow the Subdivision Regulations.

Mr. Radachy discussed the following three variance requests:

1. Variance to Article IV, Section 2.A.9, Cul-de-sacs.
2. Variance to Article IV, Section 2, Block Length.
3. Variance to Article IV, Section 2.C.1, Right-of-Way or Easement

Mr. Radachy stated the first variance request concerned the requirement of a cul-de-sac at the end of Quail Ridge. A cul-de-sac at the location would impact a wetland area, move a proposed dwelling into a jurisdictional stream and have a cul-de-sac pavement in close proximity to adjacent rear property lines. A “T” type turnaround is indicated to provide a turnaround area for the two lots fronting on Quail Ridge.

In answer to Ms. Pesec inquiry into using a “T” turnaround versus a standard cul-de-sac, Mr. Radachy stated a “T” is not as safe as a standard cul-de-sac, but is acceptable. Mr. Webster stated that it is one method to be used when it’s the best alternative. It was stated that this “T” would be servicing only two or three lots. It was also mentioned that Concord Township will not be providing maintenance on this street because it is private. Mr. Radachy also stated that the Concord Fire Department does not like to back up on a “T” turnaround.

The second variance request is to reduce the block length on Quail Point from 500 feet to 390 feet per the Lake County Engineer. Because of the topography and grading on Ravenna

Road, it was determined the best location would be at the top of the hill to provide the best sight and stopping distance for the safety of the residents and general motoring public.

The developer requested by variance to reduce the width of access easement area from 60 feet to 22 feet, which is the width of pavement. Staff explained the reason for the 60-foot ingress/egress easement over the road was to allow for a private street to become public in the future. The utilities easement will be 12 feet along the back of the curbs and the sanitary sewer will come from outside the ingress/egress into the block used for the road, over to subplot 113 and north to 111.

The staff required the maintenance responsibility for the center circle be stated on the Final Plat. The Township does not want maintenance responsibility.

The staff recommends approval of the Preliminary Plan and all three variances because topography concerns and conditions warrant these changes.

Mr. Klco asked about the common area and easement coming out to Ravenna Road and Mr. James Pegoraro, Sr. of Land Design Consultants, Inc. replied that it was a requirement of Concord Township that the original frontage be on a public street. Mr. Klco continued by asking if they would be just conservation easements and Mr. Pegoraro affirmed that they would be. He stated that the area beyond the home building area would be encumbered with a non-invasive easement. There is to be no building or clearing and the easement is to remain in a natural state. Mr. Radachy said they would have to meet proper sight distance.

Ms. Pesec was concerned as to why the developer went to a private road rather than conventional. Mr. Pegoraro stated they had the option to go conventional condominium or to do it under conventional on a private road. He felt the prospective buyers would prefer to own property versus sharing their land as they would in a condominium situation. Conventional would also require developing frontage lots on Ravenna Road.

Mr. Radachy added instead of doing a block for access, the developer could extend each lot into that area and eliminate the block. The developer could file a 60-foot easement to avoid double frontage issues. Ms. Pesec suggested the possibility of restructuring a public road to go straight through by losing a lot or two and Mr. Radachy stated they would probably lose open space before losing lots if they were to reconfigure the streets.

Mr. Pegoraro stated a conventional lot in R-1 zoning requires 220-foot lot depths. The cul-de-sac would encroach on wetlands. He said it would also be very dangerous to have the ingress-egress road go through the middle point of the subdivision with a 60 foot pavement and 8% grade. Mr. Radachy stated the best place for a public road was where it was marked. Elsewhere, it could create double-frontage lots and sight distance problems.

Mr. Schaedlich stated this was a Preliminary Plan and will have to come back for its Final Plat.

Mr. Aveni moved to approve the Preliminary Plan for Quail Hollow, Phase 12 with the stipulations and comments submitted. Mr. Simon seconded the motion.

Eight voted "Aye".  
Ms. Pesec opposed.  
Mr. Galloway abstained.

Mr. Siegel moved to approve the first variance on design stipulation #2 requiring a cul-de-sac to be installed on Quail Ridge, allowing a "T" type street. Ms. Hausch seconded the motion.

Seven voted "Aye".  
Ms. Pesec and Mr. Klco opposed.  
Mr. Galloway abstained.

Mr. Simon moved to accept the second variance request on design stipulation #3 requiring a minimum block length of 500 feet to be varied to 350 feet. Mr. Aveni seconded the motion.

Seven voted "Aye".  
Ms. Pesec and Mr. Klco opposed.  
Mr. Galloway abstained.

Mr. Simon moved to accept the third variance request on design stipulation #1 requiring a 60-foot ingress/egress easement or a 60-foot width for a block for access to sublots to allow for a 22 foot ingress/egress block. Mr. Siegel seconded the motion.

Seven voted "Aye".  
Ms. Pesec and Mr. Klco opposed.  
Mr. Galloway abstained.

Mr. Radachy addressed the Chairman for a point of order on the second variance submission given to the developer on stipulation #3. Variance two specifies 390 feet, not 350 feet.

Mr. Simon moved to reconsider the motion for the second variance request and Mr. Siegel seconded the motion.

Nine voted "Aye".  
Mr. Galloway abstained.

Mr. Simon moved to accept the second variance request on design stipulation #3 requiring a minimum block length of 500 feet to be varied to 390 feet. Mr. Aveni seconded the motion.

Seven voted "Aye".  
Ms. Pesec and Mr. Klco opposed.  
Mr. Galloway abstained.

## REPORTS OF SPECIAL COMMITTEES

Mr. Webster stated the Lake County Coastal Plan Committee met on November 30, 2005 and referred the Commission to the submitted minutes.

Mr. Adams inquired as to how the Coastal Plan Committee got involved with the Rt. 2 sound walls. Mr. Webster replied that Mr. Bruce Landeg was on the Committee and presented it to the Committee asking for their backing of using icons referencing Lake Erie and water artwork to be placed on the icons on the sound walls that were already approved to be built.

## CORRESPONDENCE

There was no correspondence.

## OLD BUSINESS

### Subdivision Regulations – Review Article III

Mr. Webster stated they would like to discuss the changes in Article III submitted last month, but many of the members had not had the time to review them completely. This delay would mean the changes could not go to a public hearing until March because of the necessity of giving a 30-day notice prior to setting the hearing date.

Mr. Schaedlich asked the members to be prepared to discuss the proposed changes in Article III at the January meeting and set a public hearing date.

## NEW BUSINESS

### 2006 Officer Nominating Committee

Mr. Schaedlich received an e-mail from the staff from Mr. Brotzman, who said he was willing to be on the 2005 Officer Nominating Committee. Ms. Hausch and Mr. Siegel also volunteered. Chairman Schaedlich announced the committee would consist of Mr. Brotzman, Ms. Hausch and Mr. Siegel.

Leadership Lake County Membership

Mr. Webster stated that there were extra dollars left in the budget this year. He wanted to put aside some of the funds to have a staff member join Leadership Lake County at about \$2,000 for a two year course. Mr. Boyd, in his dealings with the Lake County Coastal Development Plan, wanted to get a handle on how to deal with the County systems. It is a good networking base. Mr. Aveni stated it was very educational on what business does and what non-profits do, etc.

Mr. Siegel moved to approve Mr. Jason Boyd's, Senior Planner, request to participate in Leadership Lake County and to provide him the funding to do so. Mr. Simon seconded the motion.

All voted "Aye".

PUBLIC COMMENT

There was no public comment.

ADJOURNMENT

Mr. Simon moved to adjourn the Lake County Planning Commission meeting at 8:40 p.m. and Mr. Siegel seconded the motion.

All voted "Aye".

---

Russell D. Schaedlich, Chairman

---

Darrell C. Webster, Director